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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/034,983	01/14/2005	Seong No Yoon	0465-1272PUS1	9520

2292 7990 11/26/2007
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5J
DOCKETED
amend
2, 26, 2008

EXAMINER

COLJOITLY, ERIC WAYNE

ART UNIT	PAPER NUMBER
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4151

NOTIFICATION DATE	DELIVERY MODE
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11/26/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

11/034,983

Applicant(s)

YOON ET AL.

Examiner

Eric Golightly

Art Unit

4151

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 6) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:

There is inconsistent terminology of elements. In [0054], ref. 320a is referred to as both a "binding" member and as "the restraining member." It appears that both terms are meant to indicate the same element, and this meaning will be used for examination. Further, ref. 330 is referred to both as the "upper surface" and as a "top surface" ([0055] and [0057], respectively).

In the first sentence of [0055], the phrase "the body 310a" apparently should read "the body 310."

Appropriate correction is required.

Claim Objections

3. Claim 14 is objected to because of the following informalities: the claim recites "a panel frame ... to cover an upper surface of the washing machine" and also "a panel frame ... on an upper front surface of the washing machine." It appears that the first usage is a typographical error, i.e. applicants mean to recite "a *top cover* ... to cover an

upper surface of the washing machine" rather than "a panel frame ... to cover an upper surface of the washing machine" and this meaning will be used for the purpose of examination.

Appropriate clarification and/or correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 2, 5-8, 11, 12, and 14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14 and 16-20 of copending Application No. 10/553,126 (hereinafter "126"). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Regarding claim 1, claim 14 of '126 teaches a drum type washing machine including a top cover, a panel frame and a backwardly recessed bead which read the top cover, panel frame and rearward projecting member, respectively, of the drum washing machine of the present application. The two claims differ in their respective panel frame location descriptions (upper front portion of the top cover in claim 1 of the present application and upper portion of the front cover in claim 14 of '126). However, one of ordinary skill in the art would recognize the location description of the present application is an obvious variant of the '126 location description.

Regarding claims 2 and 11, claim 20 of '126 teaches a top cover including an enameled metal. Claim 20 does not explicitly teach that the metal is sheet metal. However, sheet metal is conventionally used for top covers of washing machines.

Regarding claim 5, claim 14 of '126 teaches a panel frame on an upper portion of the front cover, which reads on the panel frame of claim 5. Further, claim 14 of '126 teaches a supporting member on the panel frame for supporting the top cover. Claim 14 of '126 does not explicitly teach that a front portion of the top cover is supported by the supporting member. However, one of ordinary skill would recognize support of the front portion is an obvious configuration of the '126 claim 14 machine because the supporting member of '126 claim 14 is on the frame and the frame is on an upper portion of the front cover.

Regarding claims 6 and 14, claim 16 of '126 teaches a hook which can be fixed on the panel frame. Claim 16 of '126 does not teach that the supporting member comprises a body closely loaded to a rear surface of the panel frame to load a front

portion of the top cover. However, the skilled artisan would find it obvious to locate the '126 claim 16 supporting member close to a rear surface of the panel from because of placing the supporting member further away from the panel frame could result in a less stable configuration.

Regarding claim 7, claim 17 of '126 teaches a fastening slot which reads on the insertion hole. A hook can be inserted into the slot and affixed therein.

Regarding claim 8, claim 18 of '126 teaches a state in which the hook is in close contact with an upper and lower surface of the slot, which reads on the restraint by border.

Regarding claim 12, claim 19 of '126 teaches a supporting member comprising polyacetal.

6. Claim 3 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of '126 (10/553,126) in view of US 4,628,661 to St. Louis (hereinafter "St. Louis").

Claim 15 of '126 teaches a bead formed by a process of horizontally incising a portion of the panel frame and applying a pressure from front to rear, which reads on the projecting member formed by a lancing process. Claim 15 of '126 does not teach a panel frame comprising a metal material. St. Louis teaches an appliance frame having a score line formed from metal (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the washing machine of

claim 3 in view of the St. Louis metal frame teaching in order to obtain a panel frame comprising a metal because a metal frame can be durable and strong.

These are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

9. Claim 4 recites the limitation "the supporting member." There is insufficient antecedent basis for this limitation in the claim. It appears that the "supporting member" is meant to refer to the "projecting member" of claim 1, and this interpretation will be used for purposes of examination.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2, 5-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,241,770 to Faini (hereinafter "Faini").

Regarding claim 1, Faini teaches a washing machine (Fig. 1, no ref. number provided and page 3, first full paragraph) including top or cover comprising a frame (*id.*, ref. 10) and panel (*id.*, ref. 11), which read on the drum washing machine top cover and panel frame. Moreover, Faini discloses in Figs. 3 and 4 and page 3, second and third full paragraphs, members (ref. 12 and 13) which read on the projecting member.

Regarding claim 2, Faini teaches a top cover comprising enameled sheet metal (page 1, second paragraph).

Regarding claim 5, the Faini washing machine (Fig. 1, no ref. number provided and page 3, first full paragraph), frame (*id.*, ref. 10) and members (Figs. 3 and 4, ref. 12 and 13 and page 3, second and third full paragraphs) read on the drum washing machine, panel frame, and projecting member.

Regarding claim 6, the jutting portions of the Faini members (*id.*) read on the body and hook. Fig. 4 shows the top cover (ref. 11) loaded to an upper surface (ref. 14) of the ref. 12 member, and a catch (ref. 21 and page 4, second full paragraph) which reads on the hook

Regarding claims 7 and 8, the Faini frame includes a seat (Fig. 4, ref. 17 and page 3, third full paragraph) which reads on the insertion hole. As shown in Fig. 2, end of the catch (ref. 21) is restrained by a border of the seat (ref. 17).

Regarding claim 9, the Faini catch (Fig. 4, ref. 17 and page 3, third full paragraph) reads on the protuberance and the seat (Fig. 4, ref. 17) reads on the sunken member.

Regarding claim 10, the gap adjacent to the member surface (Fig. 4, ref. 14 and page 3, third full paragraph) reads on the depression.

Regarding claim 11, Faini teaches a top cover comprising enameled sheet metal (page 1, second paragraph).

Regarding claim 14, the Faini washing machine (Fig. 1, no ref. number provided and page 3, first full paragraph), top or cover comprising a frame (*id.*, ref. 10) and panel (*id.*, ref. 11) and including enameled sheet metal (page 1, second paragraph), members (Figs. 3 and 4, ref. 12 and 13 and page 3, second and third full paragraphs), jutting portions of the Faini members (*id.*) and catch (Fig. 4, ref. 21 and page 4, second full paragraph) read on the drum washing machine, top cover, panel frame, supporting member, body and hook, respectively.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faini in view of St. Louis (US 4,628,661).

Faini does not explicitly teach a panel frame comprising a metal material and a projecting member formed by applying a lancing process. St. Louis teaches an appliance frame having a score line formed from metal (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a panel frame comprising metal because a metal frame can be durable and strong.

The lancing process limitation is akin to a product-by-process claim. Product-by-process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps. See MPEP 2113. Faini does not teach a projecting member which could practically be formed by a lancing process. However, St. Louis teaches a dimple (Fig. 3, ref. 20 and col. 2, line 65 to col. 3, line 4) pressed into sheet metal, which reads on the implied projecting member. It would have been obvious to one of ordinary skill in the art at the time of the invention to use metal pressing as in the St. Louis dimple because metal pressing is a convenient process.

16. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faini in view of WO 2004/025013 to Kim, et al. (hereinafter "Kim").

Faini does not teach a bending member bent inward from a front border of the top cover and loaded on an upper surface of the projecting member. However, Kim teaches a cabinet for a washing machine wherein an edge of a top panel (Fig. 3, ref. 51 and 50, respectively, and page 7, lines 1 and 2) read on the bending member and top cover, respectively). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the Kim bending member teaching because the bending member would provide sufficient surface area for stable contact with the projecting member without requiring a thicker top cover. It is noted that the bending member of a Faini/Kim washing machine can be loaded on an upper surface of the supporting member.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faini in view of US 6,332,343 to Koketsu, et al. (hereinafter "Koketsu").

Faini does not teach forming the supporting members of polyacetal. However, Koketsu teaches an automatic washing machine wherein components are comprised of polyacetal (Fig. 19, ref. 37 and 39 and col. 6, lines 45-48). It would have been obvious to one of ordinary skill in the art at the time of the invention to use supporting members comprising a polyacetal because polyacetals can be strong and tough.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. EP 0,875,196 to Meyer, et al. discloses a covering or table top for work tables, washing machines, fridges, etc. and has a work plate which is located in a surrounding frame. GB 646,345 to Slack discloses a washing machine including a lid or cover comprising a support for a table top. US 5,249,440 to Hossfield, et al. discloses a washing machine having improved resistance toward frictional walking. GB 2,225,347 to Mazzocco discloses a frame structure which can be fixed along the top side of the front wall of domestic laundry washing and drying machines. KR 2003092187 to Huh, et al. discloses an assembly structure of a control panel for a drum washing machine.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Golightly whose telephone number is (571) 270-

3715. The examiner can normally be reached on Monday to Thursday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mikhail Kornakov can be reached on (571) 272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ewg

/Michael Kornakov/
Supervisory Patent Examiner, Art Unit 4151

Notice of References Cited	Application/Control No. 11/034,983	Applicant(s)/Patent Under Reexamination YOON ET AL.	
	Examiner Eric Golightly	Art Unit 4151	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,628,661	12-1986	St. Louis, Robert M.	52/658
*	B	US-6,332,343	12-2001	Koketsu et al.	68/23.7
*	C	US-5,249,440	10-1993	Hossfield et al.	68/23.3
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	GB 2243770 A	11-1991	United Kingdom	FAINI, GIUSEPPE	
	O	WO 2004025013 A1	03-2004	World Intellect	KIM et al.	
	P	EP 875196 A1	11-1998	European Patent	MEYER et al.	
	Q	GB 646345 A	11-1950	United Kingdom	Slack	
	R	GB 2225347 A	05-1990	United Kingdom	MAZZOCCO, ROBERTO	
	S	KR 2003092187 A	12-2003	Korea, Republic	HUH et al.	
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.